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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation  
Against:

12 PACITA CABANTING CASABAR  
13 1707 Randall Way  
West Covina, CA 91790  
14

15 Registered Nursing License No. 179302

16 Respondent.

Case No. 2006-79

**PETITION TO REVOKE  
PROBATION**

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to  
20 Revoke Probation solely in her official capacity as the Executive Officer of the Board of  
21 Registered Nursing, Department of Consumer Affairs.

22 2. On or about June 30, 1967, the Board of Registered Nursing (Board)  
23 issued Registered Nursing License No. 179302 to Pacita Cabanting Casabar (Respondent). The  
24 Registered Nursing License will expire on September 30, 2010, unless renewed.

25 3. In a disciplinary action entitled "In the Matter of Accusation Against  
26 Pacita Cabanting Casabar," Case No. 2006-79, the Board, issued a decision, effective October  
27 27, 2006, in which Respondent's Registered Nursing License was revoked. However, the  
28 revocation was stayed and Respondent was placed on probation for a period of three (3) years

1 with certain terms and conditions. A copy of that decision is attached as Exhibit A and is  
2 incorporated herein by reference.

### 3 JURISDICTION

4 4. This Petition to Revoke Probation is brought before the Board under the  
5 authority of the following laws. All section references are to the Business and Professions Code  
6 unless otherwise indicated.

### 7 STATUTORY PROVISIONS

8 5. Section 2750 of the Business and Professions Code (Code) provides, in  
9 relevant part, that the Board may discipline any licensee, including a licensee holding a  
10 temporary or an inactive license, for any reason provided in Article 3 (commencing with section  
11 2750) of the Nursing Practice Act.

12 6. Section 2764 of the Code provides, in pertinent part, that the expiration of  
13 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
14 against the licensee or to render a decision imposing discipline on the license.

### 15 FIRST CAUSE TO REVOKE PROBATION

#### 16 **(Failure to Comply with the Board's Probation Program)**

17 7. At all times after the effective date of Respondent's probation, Probation  
18 Condition Number 2 stated:

19 "Respondent shall fully comply with the conditions of the Probation Program  
20 established by the Board and cooperate with representatives of the Board in its monitoring and  
21 investigation of the Respondent's compliance with the Board's Probation Program. Respondent  
22 shall inform the Board in writing within no more than 15 days of any address change and shall at  
23 all times maintain an active, current license status with the Board, including during any period of  
24 suspension.

25 "Upon successful completion of probation, Respondent's license shall be fully  
26 restored."

27 8. Respondent's probation is subject to revocation because she failed to  
28 comply with Probation Conditions Numbers 5, 6, 14, 15, 17, 18 and 19, as referenced below.



1           “The Board may require that advanced practice nurses engage in advanced  
2 practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined  
3 by the Board.

4           “If Respondent has not complied with this condition during the probationary term,  
5 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
6 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
7 grant an extension of Respondent’s probation period up to one year without further hearing in  
8 order to comply with this condition. During this one year extension, all original conditions of  
9 probation shall apply.”

10           12.     Respondent’s probation is subject to revocation because she failed to  
11 comply with Probation Condition Number 6, referenced above, in that her probation period is  
12 due to expire on October 26, 2009 and as of this date, she has not worked in any capacity as a  
13 registered nurse, nor has she presented any documentation demonstrating any good faith efforts  
14 she has made to comply with this condition.

15                           **FOURTH CAUSE TO REVOKE PROBATION**

16                           **(Failure to Complete Required Physical Examination)**

17           13.     At all times after the effective date of Respondent’s probation, Probation  
18 Condition Number 14 stated:

19           “Within 45 days of the effective date of this Decision, Respondent, at her  
20 expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is  
21 approved by the Board before the assessment is performed, submit an assessment of the  
22 Respondent’s physical condition and capability to perform the duties of a registered nurse. Such  
23 an assessment shall be submitted in a format acceptable to the Board. If medically determined, a  
24 recommended treatment program will be instituted and followed by the Respondent with the  
25 physician, nurse practitioner, or physician assistant providing written reports to the Board on  
26 forms provided by the Board.

27           “If Respondent is determined to be unable to practice safely as a registered nurse,  
28 the licensed physician, nurse practitioner, or physician assistant making this determination shall

1 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
2 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
3 shall immediately cease practice and shall not resume practice until notified by the Board.  
4 During this period of suspension, Respondent shall not engage in any practice for which a license  
5 issued by the Board is required until the Board has notified Respondent that a medical  
6 determination permits Respondent to resume practice. This period of suspension will not apply  
7 to the reduction of this probationary time period.

8 "If Respondent fails to have the above assessment submitted to the Board within  
9 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
10 practice until notified by the Board. This period of suspension will not apply to the reduction of  
11 this probationary time period. The Board may waive or postpone this suspension only if  
12 significant, documented evidence of mitigation is provided. Such evidence must establish good  
13 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
14 provided. Only one such waiver or extension may be permitted."

15 14. Respondent's probation is subject to revocation because she failed to  
16 comply with Probation Condition Number 14, referenced above, in that she failed to complete  
17 her physical examination. The facts and circumstances regarding this violation are that  
18 Respondent failed to provide evidence of her physical examination by the due date of January 15,  
19 2007.

#### 20 **FIFTH CAUSE TO REVOKE PROBATION**

##### 21 **(Failure to Participate in Treatment/Rehabilitation Program for Chemical Dependence)**

22 15. At all times after the effective date of Respondent's probation, Probation  
23 Condition Number 15 stated:

24 "Respondent, at her expense, shall successfully complete during the probationary  
25 period or shall have successfully completed prior to commencement of probation a Board-  
26 approved treatment/rehabilitation program of at least six months duration. As required, reports  
27 shall be submitted by the program on forms provided by the Board. If Respondent has not  
28 completed a Board-approved treatment/rehabilitation program prior to commencement of

1 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
2 a program. If a program is not successfully completed within the first nine months of probation,  
3 the Board shall consider Respondent in violation of probation.

4 "Based on Board recommendation, each week Respondent shall be required to  
5 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
6 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
7 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
8 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
9 such attendance to the Board during the entire period of probation. Respondent shall continue  
10 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
11 mental health examiner and/or other ongoing recovery groups."

12 16. Respondent's probation is subject to revocation because she failed to  
13 comply with Probation Condition Number 15, referenced above, in that she failed to participate  
14 in treatment or rehabilitation. The facts and circumstances regarding this violation are that  
15 Respondent failed to provide evidence of her completion of a six (6) month chemical dependency  
16 program by the due date of January 15, 2007. In addition, Respondent failed to submit her  
17 required Nursing Support Group and AA/NA attendance sheets for the time period of November  
18 29, 2006 through March 1, 2008.

#### 19 **SIXTH CAUSE TO REVOKE PROBATION**

##### 20 **(Failure to Submit to Tests and Samples)**

21 17. At all times after the effective date of Respondent's probation, Probation  
22 Condition Number 17 stated:

23 "Respondent, at her expense, shall participate in a random, biological fluid  
24 testing or a drug screening program which the Board approves. The length of time and frequency  
25 will be subject to approval by the Board. Respondent is responsible for keeping the Board  
26 informed of Respondent's current telephone number at all times. Respondent shall also ensure  
27 that messages may be left at the telephone number when she is not available and ensure that  
28 reports are submitted directly by the testing agency to the Board, as directed. Any confirmed

1 positive finding shall be reported immediately to the Board by the program and Respondent shall  
2 be considered in violation of probation.

3 "In addition, Respondent, at any time during the period of probation, shall fully  
4 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
5 tests and samples as the Board or its representatives may require for the detection of alcohol,  
6 narcotics, hypnotics, dangerous drugs, or other controlled substances.

7 "If Respondent has a positive drug screen for any substance not legally authorized  
8 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
9 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent  
10 from practice pending the final decision on the petition to revoke probation or the accusation.  
11 This period of suspension will not apply to the reduction of this probationary time period.

12 "If Respondent fails to participate in a random, biological fluid testing or drug  
13 screening program within the specified time frame, Respondent shall immediately cease practice  
14 and shall not resume practice until notified by the Board. After taking into account documented  
15 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
16 Board may suspend Respondent from practice pending the final decision on the petition to  
17 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
18 this probationary time period."

19 18. Respondent's probation is subject to revocation because she failed to  
20 comply with Probation Condition Number 17, referenced above, in that she failed to submit to  
21 random testing. The facts and circumstances regarding this violation are that Respondent failed  
22 to sign up with Compass Vision by the due date of December 15, 2006.

### 23 **SEVENTH CAUSE TO REVOKE PROBATION**

#### 24 **(Failure to Complete Required Mental Health Examination)**

25 19. At all times after the effective date of Respondent's probation, Probation  
26 Condition Number 18 stated:

27 "Respondent shall, within 45 days of the effective date of this Decision, have a  
28 mental health examination including psychological testing as appropriate to determine her

1 capability to perform the duties of a registered nurse. The examination will be performed by a  
2 psychiatrist, psychologist or other licensed mental health practitioner approved by the Board.  
3 The examining mental health practitioner will submit a written report of that assessment and  
4 recommendations to the Board. All costs are the responsibility of Respondent.  
5 Recommendations for treatment, therapy or counseling made as a result of the mental health  
6 examination will be instituted and followed by Respondent.

7 "If Respondent is determined to be unable to practice safely as a registered nurse,  
8 the licensed mental health care practitioner making this determination shall immediately notify  
9 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
10 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
11 practice and may not resume practice until notified by the Board. During this period of  
12 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
13 is required, until the Board has notified Respondent that a mental health determination permits  
14 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
15 probationary time period.

16 "If Respondent fails to have the above assessment submitted to the Board within  
17 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
18 practice until notified by the Board. This period of suspension will not apply to the reduction of  
19 this probationary time period. The Board may waive or postpone this suspension only if  
20 significant, documented evidence of mitigation is provided. Such evidence must establish good  
21 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
22 provided. Only one such waiver or extension may be permitted."

23 20. Respondent's probation is subject to revocation because she failed to  
24 comply with Probation Condition Number 18, referenced above, in that she failed to complete  
25 her mental health examination. The facts and circumstances regarding this violation are that  
26 Respondent failed to provide evidence of her completion of her mental health examination by the  
27 due date of January 15, 2007.

28 ////



1 **EIGHTH CAUSE TO REVOKE PROBATION**

2 **(Failure to Complete Required Therapy or Counseling Program)**

3 21. At all times after the effective date of Respondent's probation, Probation  
4 Condition Number 19 stated:

5 "Respondent, at her expense, shall participate in an on-going counseling program  
6 until such time as the Board releases her from this requirement and only upon the  
7 recommendation of the counselor. Written progress reports from the counselor will be required  
8 at various intervals."

9 22. Respondent's probation is subject to revocation because she failed to  
10 comply with Probation Condition Number 19, referenced above, in that she failed to complete  
11 her on-going counseling. The facts and circumstances regarding this violation are that  
12 Respondent failed to provide evidence of her completion of on-going counseling by the due date  
13 of January 17, 2007.

14  
15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
17 alleged, and that following the hearing, the Board issue a decision:

18 1. Revoking the probation that was granted by the Board in Case No. 2006-  
19 79 and imposing the disciplinary order that was stayed thereby revoking Registered Nursing  
20 License No. 179302, issued to Respondent;

21 2. Revoking or suspending Registered Nursing License No. 179302, issued to  
22 Respondent; and

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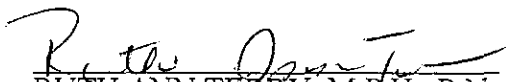
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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/9/09

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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**Exhibit A**

**Decision and Order**

**Board of Registered Nursing Case No. 2006-79**

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

PACITA CABANTING CASABAR  
1707 Randall Way  
West Covina, CA 91790

Registered Nurse License No. 179302

Respondent.

Case No. 2006-79

OAH No. 2006010324

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 27, 2006.

It is so ORDERED September 27, 2006.

  
\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General  
2 of the State of California  
3 GREGORY J. SALUTE, State Bar No. 164015  
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10 Attorneys for Complainant

11 **BEFORE THE**  
12 **BOARD OF REGISTERED NURSING**  
13 **DEPARTMENT OF CONSUMER AFFAIRS**  
14 **STATE OF CALIFORNIA**

15 In the Matter of the Accusation Against:

16 PACITA CABANTING CASABAR  
17 1707 Randall Way  
18 West Covina, CA 91790

19 Registered Nurse License No. 179302

20 Respondent.

Case No. 2006-79

OAH No. 2006010324

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
22 above-entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
25 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
26 represented in this matter by Bill Lockyer, Attorney General of the State of California, by  
27 Gregory J. Salute, Deputy Attorney General.

28 2. Pacita Cabanting Casabar (Respondent) is represented in this proceeding  
by attorney Donald Brown, Esq., whose address is Brown & Brown, 3848 Carson Street, Ste.  
#206, Torrance, Ca. 90503.

3. On or about June 30, 1967, the Board of Registered Nursing issued  
Registered Nurse License No. 179302 to Pacita Cabanting Casabar. The License was in full

1 force and effect at all times relevant to the charges brought in Accusation No.2006-79 and will  
2 expire on September 30, 2006, unless renewed.

3 JURISDICTION

4 4. Accusation No.2006-79 was filed before the Board of Registered Nursing  
5 (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The  
6 Accusation and all other statutorily required documents were properly served on Respondent on  
7 November 30, 2005. Respondent timely filed her Notice of Defense contesting the Accusation.  
8 A copy of Accusation No. 2006-79 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and  
11 understands the charges and allegations in Accusation No. 2006-79. Respondent has also  
12 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
13 Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the  
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
17 the right to present evidence and to testify on her own behalf; the right to the issuance of  
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
19 reconsideration and court review of an adverse decision; and all other rights accorded by the  
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in  
25 Accusation No. 2006-79.

26 9. Respondent agrees that her Registered Nurse License is subject to  
27 discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s imposition of  
28 discipline as set forth in the Disciplinary Order below.

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1 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
2 and enforceable to the fullest extent permitted by law.

3           **1. Obey All Laws.** Respondent shall obey all federal, state and local laws.  
4 A full and detailed account of any and all violations of law shall be reported by Respondent to  
5 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
6 compliance with this condition, Respondent shall submit completed fingerprint forms and  
7 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
8 as part of the licensure application process.

9           **Criminal Court Orders:** If Respondent is under criminal court orders, including  
10 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
11 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

12           **2. Comply with the Board's Probation Program.** Respondent shall fully  
13 comply with the conditions of the Probation Program established by the Board and cooperate  
14 with representatives of the Board in its monitoring and investigation of the Respondent's  
15 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
16 within no more than 15 days of any address change and shall at all times maintain an active,  
17 current license status with the Board, including during any period of suspension.

18           Upon successful completion of probation, Respondent's license shall be fully  
19 restored.

20           **3. Report in Person.** Respondent, during the period of probation, shall  
21 appear in person at interviews/meetings as directed by the Board or its designated  
22 representatives.

23           **4. Residency, Practice, or Licensure Outside of State.** Periods of  
24 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
25 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
26 of California. Respondent must provide written notice to the Board within 15 days of any change  
27 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
28 returning to practice in this state.



Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

1                   7.     **Employment Approval and Reporting Requirements.** Respondent  
2 shall obtain prior approval from the Board before commencing or continuing any employment,  
3 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
4 performance evaluations and other employment related reports as a registered nurse upon request  
5 of the Board.

6                   Respondent shall provide a copy of this Decision to her employer and immediate  
7 supervisors prior to commencement of any nursing or other health care related employment.

8                   In addition to the above, Respondent shall notify the Board in writing within  
9 seventy-two (72) hours after she obtains any nursing or other health care related employment.

10 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
11 terminated or separated, regardless of cause, from any nursing, or other health care related  
12 employment with a full explanation of the circumstances surrounding the termination or  
13 separation.

14                   8.     **Supervision.** Respondent shall obtain prior approval from the Board  
15 regarding Respondent's level of supervision and/or collaboration before commencing or  
16 continuing any employment as a registered nurse, or education and training that includes patient  
17 care.

18                   Respondent shall practice only under the direct supervision of a registered nurse  
19 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
20 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
21 are approved.

22                   Respondent's level of supervision and/or collaboration may include, but is not  
23 limited to the following:

24                   (a)   Maximum - The individual providing supervision and/or collaboration is  
25 present in the patient care area or in any other work setting at all times.

26                   (b)   Moderate - The individual providing supervision and/or collaboration is in  
27 the patient care unit or in any other work setting at least half the hours Respondent works.

28                   (c)   Minimum - The individual providing supervision and/or collaboration has

1 person-to-person communication with Respondent at least twice during each shift worked.

2 (d) Home Health Care - If Respondent is approved to work in the home health  
3 care setting, the individual providing supervision and/or collaboration shall have person-to-  
4 person communication with Respondent as required by the Board each work day. Respondent  
5 shall maintain telephone or other telecommunication contact with the individual providing  
6 supervision and/or collaboration as required by the Board during each work day. The individual  
7 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
8 site visits to patients' homes visited by Respondent with or without Respondent present.

9 9. **Employment Limitations.** Respondent shall not work for a nurse's  
10 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
11 traveling nurse, or for an in-house nursing pool.

12 Respondent shall not work for a licensed home health agency as a visiting nurse  
13 unless the registered nursing supervision and other protections for home visits have been  
14 approved by the Board. Respondent shall not work in any other registered nursing occupation  
15 where home visits are required.

16 Respondent shall not work in any health care setting as a supervisor of registered  
17 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
18 nurses and/or unlicensed assistive personnel on a case-by-case basis.

19 Respondent shall not work as a faculty member in an approved school of nursing  
20 or as an instructor in a Board approved continuing education program.

21 Respondent shall work only on a regularly assigned, identified and predetermined  
22 worksite(s) and shall not work in a float capacity.

23 If Respondent is working or intends to work in excess of 40 hours per week, the  
24 Board may request documentation to determine whether there should be restrictions on the hours  
25 of work.

26 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
27 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
28 than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$3300.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three (3) months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. **Violation of Probation.** If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

13. **License Surrender.** During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to

1 take any other action deemed appropriate and reasonable under the circumstances, without  
2 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
3 will no longer be subject to the conditions of probation.

4 Surrender of Respondent's license shall be considered a disciplinary action and  
5 shall become a part of Respondent's license history with the Board. A registered nurse whose  
6 license has been surrendered may petition the Board for reinstatement no sooner than the  
7 following minimum periods from the effective date of the disciplinary decision:

8 (1) Two years for reinstatement of a license that was surrendered for any  
9 reason other than a mental or physical illness; or

10 (2) One year for a license surrendered for a mental or physical illness.

11 14. **Physical Examination.** Within 45 days of the effective date of this  
12 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
13 physician assistant, who is approved by the Board before the assessment is performed, submit an  
14 assessment of the Respondent's physical condition and capability to perform the duties of a  
15 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
16 medically determined, a recommended treatment program will be instituted and followed by the  
17 Respondent with the physician, nurse practitioner, or physician assistant providing written  
18 reports to the Board on forms provided by the Board.

19 If Respondent is determined to be unable to practice safely as a registered nurse,  
20 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
21 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
22 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
23 shall immediately cease practice and shall not resume practice until notified by the Board.  
24 During this period of suspension, Respondent shall not engage in any practice for which a license  
25 issued by the Board is required until the Board has notified Respondent that a medical  
26 determination permits Respondent to resume practice. This period of suspension will not apply  
27 to the reduction of this probationary time period.

28 If Respondent fails to have the above assessment submitted to the Board within

1 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
2 practice until notified by the Board. This period of suspension will not apply to the reduction of  
3 this probationary time period. The Board may waive or postpone this suspension only if  
4 significant, documented evidence of mitigation is provided. Such evidence must establish good  
5 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
6 provided. Only one such waiver or extension may be permitted.

7           **15. Participate in Treatment/Rehabilitation Program for Chemical**  
8 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
9 period or shall have successfully completed prior to commencement of probation a Board-  
10 approved treatment/rehabilitation program of at least six months duration. As required, reports  
11 shall be submitted by the program on forms provided by the Board. If Respondent has not  
12 completed a Board-approved treatment/rehabilitation program prior to commencement of  
13 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
14 a program. If a program is not successfully completed within the first nine months of probation,  
15 the Board shall consider Respondent in violation of probation.

16           Based on Board recommendation, each week Respondent shall be required to  
17 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
18 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
19 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
20 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
21 such attendance to the Board during the entire period of probation. Respondent shall continue  
22 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
23 mental health examiner and/or other ongoing recovery groups.

24           **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
25 shall completely abstain from the possession, injection or consumption by any route of all  
26 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when  
27 the same are ordered by a health care professional legally authorized to do so as part of  
28 documented medical treatment. Respondent shall have sent to the Board, in writing and within

1 fourteen (14) days, by the prescribing health professional, a report identifying the medication,  
2 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the  
3 medication will no longer be required, and the effect on the recovery plan, if appropriate.

4           Respondent shall identify for the Board a single physician, nurse practitioner or  
5 physician assistant who shall be aware of Respondent's history of substance abuse and will  
6 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
7 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
8 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
9 condition. If any substances considered addictive have been prescribed, the report shall identify a  
10 program for the time limited use of any such substances.

11           The Board may require the single coordinating physician, nurse practitioner, or  
12 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
13 addictive medicine.

14           **17. Submit to Tests and Samples.** Respondent, at her expense, shall  
15 participate in a random, biological fluid testing or a drug screening program which the Board  
16 approves. The length of time and frequency will be subject to approval by the Board.  
17 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
18 number at all times. Respondent shall also ensure that messages may be left at the telephone  
19 number when she is not available and ensure that reports are submitted directly by the testing  
20 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
21 to the Board by the program and Respondent shall be considered in violation of probation.

22           In addition, Respondent, at any time during the period of probation, shall fully  
23 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
24 tests and samples as the Board or its representatives may require for the detection of alcohol,  
25 narcotics, hypnotics, dangerous drugs, or other controlled substances.

26           If Respondent has a positive drug screen for any substance not legally authorized  
27 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
28 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent

1 from practice pending the final decision on the petition to revoke probation or the accusation.  
2 This period of suspension will not apply to the reduction of this probationary time period.

3           If Respondent fails to participate in a random, biological fluid testing or drug  
4 screening program within the specified time frame, Respondent shall immediately cease practice  
5 and shall not resume practice until notified by the Board. After taking into account documented  
6 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
7 Board may suspend Respondent from practice pending the final decision on the petition to  
8 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
9 this probationary time period.

10           **18. Mental Health Examination.** Respondent shall, within 45 days of the  
11 effective date of this Decision, have a mental health examination including psychological testing  
12 as appropriate to determine her capability to perform the duties of a registered nurse. The  
13 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
14 practitioner approved by the Board. The examining mental health practitioner will submit a  
15 written report of that assessment and recommendations to the Board. All costs are the  
16 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
17 result of the mental health examination will be instituted and followed by Respondent.

18           If Respondent is determined to be unable to practice safely as a registered nurse,  
19 the licensed mental health care practitioner making this determination shall immediately notify  
20 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
21 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
22 practice and may not resume practice until notified by the Board. During this period of  
23 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
24 is required, until the Board has notified Respondent that a mental health determination permits  
25 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
26 probationary time period.

27           If Respondent fails to have the above assessment submitted to the Board within  
28 the 45-day requirement, Respondent shall immediately cease practice and shall not resume



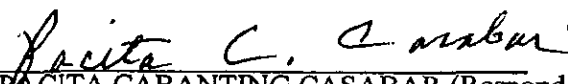
1 practice until notified by the Board. This period of suspension will not apply to the reduction of  
2 this probationary time period. The Board may waive or postpone this suspension only if  
3 significant, documented evidence of mitigation is provided. Such evidence must establish good  
4 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
5 provided. Only one such waiver or extension may be permitted.

6 19. **Therapy or Counseling Program.** Respondent, at her expense, shall  
7 participate in an on-going counseling program until such time as the Board releases her from this  
8 requirement and only upon the recommendation of the counselor. Written progress reports from  
9 the counselor will be required at various intervals.

10 ACCEPTANCE

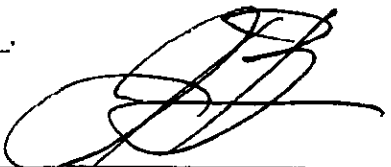
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
12 have fully discussed it with my attorney, Donald Brown. I understand the stipulation and the  
13 effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and  
14 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
15 Decision and Order of the Board of Registered Nursing.

16 DATED: APR 26 2006

17  
18   
19 PACITA CABANTING CASABAR (Respondent)  
20 Respondent

21 I have read and fully discussed with Respondent Pacita Cabanting Casabar the  
22 terms and conditions and other matters contained in the above Stipulated Settlement and  
23 Disciplinary Order. I approve its form and content.

24 DATED: APR 26 2006

25  
26   
27 DONALD BROWN  
28 Attorney for Respondent


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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 5-5-06

BILL LOCKYER, Attorney General  
of the State of California

  
\_\_\_\_\_  
GREGORY J. SAKOTE  
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2005500428  
60140243.wpd

**Exhibit A**

**Accusation No. 2006-79**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 GREGORY J. SALUTE, State Bar No. 164015  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2520  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2006-79

11 PACITA CABANTING CASABAR  
1707 Randall Way  
12 West Covina, CA 91790

**A C C U S A T I O N**

13 Registered Nurse License No. 179302

14 Respondent.  
15

16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs.

21 2. On or about June 30, 1967, the Board of Registered Nursing (Board)  
22 issued Registered Nurse License No. 179302 to Pacita Cabanting Casabar (Respondent). The  
23 registered nurse license was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on September 30, 2006, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the  
27 following laws. All section references are to the Business and Professions Code (Code) unless  
28 otherwise indicated.

1                   4.       Code section 2750 states, in pertinent part:

2                   "Every certificate holder or licensee, including licensees holding temporary  
3 licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided  
4 in this article [article 3, commencing with section 2750]. As used in this article, 'license' includes  
5 certificate, registration, or any other authorization to engage in the practice regulated by this  
6 chapter [chapter 6, commencing with section 2700]."

7                   5.       Code section 118, subdivision (b), states:

8                   "The suspension, expiration, or forfeiture by operation of law of a license issued  
9 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or  
10 by order of a court of law, or its surrender without the written consent of the board, shall not,  
11 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board  
12 of its authority to institute or continue a disciplinary proceeding against the licensee upon any  
13 ground provided by law or to enter an order suspending or revoking the license or otherwise  
14 taking disciplinary action against the licensee on any such ground."

15                  6.       Code section 2764 states:

16                  "The lapsing or suspension of a license by operation of law or by order or decision  
17 of the board or a court of law, or the voluntary suspension of a license by a licensee shall not  
18 deprive the board of jurisdiction to proceed with any investigation of or disciplinary proceeding  
19 against such license, or to render a decision suspending or revoking such license."

20                  7.       Code section 2811, subdivision (b), of the Code provides in pertinent part,  
21 that each license not renewed in accordance with that section shall expire, but may within a  
22 period of eight years thereafter be reinstated.

23                  8.       Code section 2761 states, in pertinent part:

24                  "The board may take disciplinary action against a certified or licensed nurse or  
25 deny an application for a certificate or license for any of the following:

26                  "(a) Unprofessional conduct . . .

27                  . . .

28       ///

1           “(d) Violating or attempting to violate, directly or indirectly, . . . any provision or  
2 term of this chapter or regulations adopted pursuant to it.”

3           9.       Code section 2762 states, in pertinent part:

4           “In addition to other acts constituting unprofessional conduct within the meaning  
5 of this chapter [chapter 6, commencing with section 2700], it is unprofessional conduct for a  
6 person licensed under this chapter to do any of the following:

7           “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
8 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish  
9 or administer to another, any controlled substance as defined in Division 10 (commencing with  
10 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
11 defined in Section 4022.”

12          10.       Code section 125.3, subdivision (a), states, in pertinent part:

13          “Except as otherwise provided by law, in any order issued in resolution of a  
14 disciplinary proceeding before any board within the department . . . the board may request the  
15 administrative law judge to direct a licensee found to have committed a violation or violations  
16 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
17 enforcement of the case.”

18                   **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

19          11.       Versed (midazolam) is a Schedule IV controlled substance as designated  
20 by Health and Safety Code section 11057(d)(21) and is categorized as a dangerous drug pursuant  
21 to section 4022(c) of the Code.

22                   **CAUSE FOR DISCIPLINE**

23                   **(Unlawful Possession of a Controlled Substance)**

24          12.       Respondent is subject to disciplinary action under sections 2761(a),  
25 2761(d), and 2762(a) of the Code, on the grounds of unprofessional conduct, in that on or about  
26 May 4, 2003, Respondent was found to be in possession of Martin Luther King/Drew Medical  
27 Center (“MLK”) pharmacy medications, including Versed. The circumstances are as follows:

28       ///

1                   a.       On or about May 4, 2003, MLK hospital security officers observed  
2 Respondent in the main lobby of MLK carrying a white plastic non-transparent bag on her right  
3 hand as she made her way to the front exit of the hospital. Hospital security officers for MLK  
4 subsequently searched Respondent and her vehicle and found Respondent to have in her  
5 possession various pharmacy vials of medication from MLK on Respondent's person, and in  
6 Respondent's vehicle, including a vial or vial(s) of Versed, a controlled substance, which was  
7 found in Respondent's vehicle. The search of Respondent and her vehicle resulted in hospital  
8 security officers confiscating approximately \$700.00 worth of medical supplies and medications  
9 from Respondent which included the following items:

- 10                   (1)     1 glass vial, midazolam, 2mg/ml, Bedford Lab
- 11                   (2)     2 glass vials, midazolam, 2 mg/ml, Bedford Lab
- 12                   (3)     1 glass vial, midazolam, 10 mg/10ml, Bedford Lab
- 13                   (4)     4 prednisone tablets, UD, Roxane 20 mg.,
- 14                   (5)     4 prednisone tablets, UD, Roxane, 5 mg.
- 15                   (6)     1 acetaminophen caplet 325 mg.
- 16                   (7)     2 acetaminophen liquid vd pa 325 mg/10/15 ml
- 17                   (8)     1 motrin liquid 100 mg/5ml (120ml)
- 18                   (9)     2 sodium chloride irrigation 0.09%/1 liter
- 19                   (10)    1 sodium chloride inj. 0.09%/20 ml.
- 20                   (11)    1 sodium chloride inj. 0.09%/20 ml.
- 21                   (12)    10 nbuterol sulfate nebulizer (0.083%) 2.5mg/3ml
- 22                   (13)    2 rocephin vial 1 gm (powder)
- 23                   (14)    1 rocephin vial 1 gm (powder)
- 24                   (15)    1 rocephin vial 1 gm (powder)
- 25                   (16)    5 rocephin vial 1 gm (powder)
- 26                   (17)    1 rocephin vial 1 gm (powder)
- 27                   (18)    1 rocephin vial 1 gm (powder)
- 28                   (19)    1 rocephin vial 250 mg (powder)

- |    |      |  |
|----|------|--|
| 1  | (20) | 1 adenosine vial 6 mg/2ml                          |
| 2  | (21) | 1 metroniazole-piggy back (pre-mixed) 500 mg/100ml |
| 3  | (22) | 1 metroniazole-piggy back (pre-mixed) 500 mg/100ml |
| 4  | (23) | 1 kefurox (efuroxime) vial 1.5 gm (powder)         |
| 5  | (24) | 1 kefurox (efuroxime) vial 1.5 gm (powder)         |
| 6  | (25) | 1 claforan powder vial 1 gm (powder)               |
| 7  | (26) | 1 claforan powder vial 1 gm (powder)               |
| 8  | (27) | 1 claforan powder vial 1 gm (powder)               |
| 9  | (28) | 1 cleocin piggyback (pre-mixed) 900 mg/50ml        |
| 10 | (29) | 3 cleocin vial 600 mg/4ml                          |
| 11 | (30) | 3 dexamethasone vial (arl) 20 mg/5ml               |
| 12 | (31) | 1 dexamethasone vial (arl) 20 mg/5ml               |
| 13 | (32) | 1 dexamethasone vial (arl) 20 mg/5ml               |
| 14 | (33) | 1 dexamethasone vial (arl) 20 mg/5ml               |
| 15 | (34) | 2 gentamicin vial app 40 mg/ml (20 ml vial)        |
| 16 | (35) | 1 gentamicin vial app 40 mg/ml (20 ml vial)        |
| 17 | (36) | 1 gentamicin vial app 40 mg/ml (20 ml vial)        |
| 18 | (37) | 2 gentamicin vial Abbott 80 mg/2ml                 |
| 19 | (38) | 1 gentamicin vial app 80 mg/2ml                    |
| 20 | (39) | 4 hydroxyzine vial arl 100mg/2ml                   |
| 21 | (40) | 1 hydroxyzine vial arl 100mg/2ml                   |
| 22 | (41) | 1 hydroxyzine vial arl 100mg/2ml                   |
| 23 | (42) | 1 epinephrine arl 1:1000 1 mg/ml (30 ml.)          |
| 24 | (43) | 2 romazicon 0.5 mg/ml                              |
| 25 | (44) | 1 romazicon 0.5/5ml                                |
| 26 | (45) | 2 oxacillin vial apothecan 1 gm (powder)           |
| 27 | (46) | 1 ranitidine vial glaxo 50 mg/2ml                  |
| 28 | (47) | 1 cimetidine vial abbott 300 mg/2 ml               |



- 1 (48) 1 dopamine vial arl 200 mg/5 ml  
2 (49) 1 lidocaine 1% vial preservative free 10 mg/30 ml  
3 (50) 1 lidocaine 1% vial abbott 10 mg/ml 30 ml  
4 (51) 1 diprivan 1% 10 mg/ml 20 ml  
5 (52) 1 nalcyone vial abbott 0.4 mg/ml 10 ml  
6 (53) 1 heparin flush abbott sdv 10 units/ml 10 ml  
7 (54) 1 heparin flush abbott mdv 10 units/ml 10 ml  
8 (55) 1 brethine ampule 1 mg/ml  
9 (56) 16 pregnancy test kit(s)  
10 (57) 2 ibuprofen, tab ud (major)

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
13 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 179302, issued  
15 to Pacita Cabanting Casabar.  
16 2. Ordering Pacita Cabanting Casabar to pay the Board of Registered Nursing  
17 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
18 Professions Code section 125.3;  
19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: 11/22/05

21  
22  
23 Ruth Ann Terry  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant  
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